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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GREGORY Y. SMITH and
14 KYLE R. MCCLURE,

15 Defendants.

Case No. CR17-218RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

16 This matter comes before the Court on defendants' unopposed motion to continue. Dkt. #
17 40. Having considered the facts set forth in the stipulated motion, the defendants' knowing and
18 voluntary waivers, and the remainder of the record, the Court finds as follows:

19 1. The Court adopts the stipulated facts set forth in the motion. Specifically,
20 defendants have recently been given voluminous discovery that requires extensive forensic
21 extraction of digital devices; discovery also yielded the evidence from a months-long
22 investigation that included digital monitoring devices, numerous search warrants, and interdicted
23 mailings. The Court accordingly finds that a failure to grant a continuance would deny counsel
24 the reasonable time necessary for effective preparation, taking into account the exercise of due
25 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

26 2. The Court finds that a failure to grant a continuance would likely result in a
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).
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1 3. The Court finds that the additional time requested is a reasonable period of delay,
2 as the parties need additional time to review discovery; and that the additional time requested
3 between the current trial date of February 20, 2018, and the proposed trial date of June 25, 2018,
4 is necessary to provide defense counsel reasonable time to prepare for trial considering all of the
5 facts set forth above.

6 4. The Court further finds that such a continuance would serve the ends of justice,
7 and that these factors outweigh the best interests of the public and the defendant in a more
8 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

9 5. Defendant Gregory Smith has signed a waiver indicating that he has been advised
10 of his right to a speedy trial and that, after consulting with counsel, he has knowingly and
11 voluntarily waived that right and consented to the continuation of his trial to a date up to and
12 including July 16, 2018, Dkt. # 41, which will permit trial to start on June 25, 2018, per the
13 parties' request.

14 6. Defendant Kyle McClure has signed a waiver indicating that he has been advised
15 of his right to a speedy trial and that, after consulting with counsel, he has knowingly and
16 voluntarily waived that right and consented to the continuation of his trial to a date up to and
17 including August 1, 2018, Dkt. # 43, which will permit trial to start on June 25, 2018, per the
18 parties' request.

19 IT IS HEREBY ORDERED that the trial date be continued from February 20, 2018, to
20 June 25, 2018.

21 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to May
22 16, 2018.

23 IT IS FURTHER ORDERED that the period of time from the current trial date of
24 February 20, 2018, up to and including July 16, 2018, with regard to Mr. Smith, and up to and
25 including August 1, 2018, with regard to Mr. McClure, shall be excludable time pursuant to the
26 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and
27 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§
28 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

1 DATED this 1st day of February, 2018.
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Robert S. Lasnik

Robert S. Lasnik
United States District Judge